



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT Application of
Saville, et. al.

Group Art Unit: Unknown

U.S. Serial No. 10/797,019

Examiner: Unknown

Filed: March 11, 2004

Att. Docket No.: 95773-1439

For: ENHANCEMENT OF ENZYME ACTIVITY BY SELECTIVE PURIFICATION

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**AFFIDAVIT PROVING CO-INVENTOR REFUSED TO EXECUTE APPLICATION
PAPERS UNDER 37 C.F.R. § 1.47(a)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Andrew Desbarats, declare and state as follows.

I am the Business Officer of Immortazyme Company (formerly Advanced Biochemical Corp.) located at 1011 Upper Middle Rd. E., Unit 1492, Oakville, ON, L6H 2K9, Canada.

Mikhail Khavkine, a co-inventor of the above-identified application, has refused to execute the present application papers, including the inventor's oath. On September 27th, I couriered the patent application document and declaration of assignment to Mikhail Khavkine. According to the courier tracking information, delivery was attempted on the 28th of September. The package was finally picked up by M. Khavkine on October 4th at 10:08 am. I have not received any correspondence from Mr. Khavkine. Attached in Exhibit A is the cover letter that was sent to Mr. Khavkine.

..... Andrew Desbarats ..Place..... Aurora, ON..Date.. Oct. 20, 2004
Andrew Desbarats Canada
Business Officer, Immortazyme

SWORN BEFORE ME in the ^{Town} City of Aurora, Ontario, Canada
This 20th day of October, 2004.

John Kalm

JOHN KALM

Notary Public in and for the Province of Ontario

Appendix A – Cover letter for assignment and patent documents sent to Mr. Khavkine

Mr. Mikhail Khavkine
257 Roxton Rd.
Oakville, ON
L6H 7K3

Dear Mr. Khavkine:

We are enclosing for your signature patent documents for Patents titled "Enhancement of Enzyme Activity by Selective Purification" and "Enhancement of Enzyme Activity through Purification and Immobilization".

Also, please be reminded that these are confidential documents. The confidentiality provisions of your employment agreement and the Non-Disclosure and Confidentiality agreement remain in force. Thus, these documents cannot be copied nor discussed with any other person without Immortazyme's written consent.

We ask that you please read the patents and sign the assignment documents. The entire package will be picked up by us on October 1, 2004 at 9:30 a.m. If this time is not convenient for you, please contact me immediately by e-mail at a.desbarats@bellnet.ca.

Finally, the effort to apply for U.S. coverage on the above-mentioned patents without your signature has cost Immortazyme a considerable amount of money. Immortazyme intends to recover these expenses from you. A continued lack of cooperation in signing these documents will increase the costs to process these patents; these additional costs will also be passed onto you, in accordance with your contractual obligations under your employment agreement.

Sincerely

Andrew Desbarats
Business Officer

Track Details

TRACKING DETAILS

page 2

CLOSE

PIN: 23610625131

Total Pieces: 1

E-Mail info to:

Package Details:

M KHAVKIN
257 ROXTON

Your Name:

Your E-Mail Address:

SEND

Scan Date	Scan Time	Status	Comment
2004/10/04	10:08	Delivered to KHAVKINE PTL at Receiving of M KHAVKIN 257 ROXTON	
2004/10/04	07:58	On vehicle for delivery	
2004/10/01	18:04	Received at Front Desk from RETAIL of PCL OAKVILLE RETAIL 210 NORTH SERVICE RD W OAKVILLE ON	
2004/10/01	13:30	Available for Pickup	
2004/10/01	08:03	Available for Pickup	
2004/09/30	08:14	Available for Pickup	
2004/09/29	08:08	Available for Pickup	
2004/09/28	15:41	Available for Pickup	
2004/09/28	14:40	Delivered to RC5702 at Switchboard of RC5702 RC5702	
2004/09/28	10:34	Attempted Delivery - Receiver Unavailable	
2004/09/28	08:12	On vehicle for delivery	
2004/09/27	14:46	Received at Counter from ARLEN FILLAIRE of CHEMICAL ENGINEERING 200 COLLEGE ST, suite 217 TORONTO ON	

[Click here for delivery signature](#)